

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
026611-000100US

First named inventor: Mark Birkhead et al.

Application No.: 10/693,867

Art Unit: 2614

Filed: October 28, 2003

Examiner: Simon P. Sing

Title: VOICE ENABLED INTERACTIVE DRUG AND MEDICAL INFORMATION SYSTEM

Attention: Office of Petitions
Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450
 FAX: (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions
 Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee — required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity — fee \$ 750.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity — fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in
 the form of Notice of Appeal (identify type of reply):

☐ has been filed previously on _____
 is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____.

☐ has been paid previously on _____
☐ is enclosed herewith.

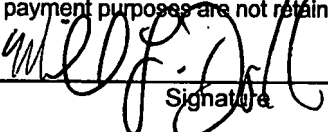
3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☒ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ 65.00 for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. ☐ For fees authorized to be paid hereinabove, the Commissioner is hereby authorized to charge the fees, any deficiency of fees, and credit of any overpayments, to Deposit Account No. 20-1430.
5. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.


Signature

July 9, 2007
Date

Michael L. Drapkin
Typed or printed name

55,127
Registration Number, if applicable

Two Embarcadero Center, 8th Floor
Address

303.571.4000
Telephone Number

San Francisco, CA 94111-3834
Address

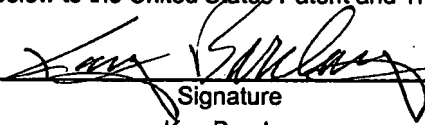
- Enclosures: ☐ Fee Payment
- ☐ Reply
- ☒ Terminal Disclaimer Form
- ☐ Additional sheets containing statements establishing unintentional delay
- ☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
- ☒ Transmitted via EFS-Web on the date shown below to the United States Patent and Trademark Office.

July 9, 2007
Date


Signature

Kay Barclay
Typed or printed name of person signing certificate

NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Docket Number (Optional)

026611-000100US

I hereby certify that this correspondence is being filed via
EFS-Web with the United States Patent and Trademark Office
on July 9, 2007

TOWNSEND and TOWNSEND and CREW LLP

By: /Kay Barclay/
Kay Barclay

In re Application of Mark Birkhead et al.

Application Number 10/693,867

Filed October 28,
2003

For **VOICE ENABLED INTERACTIVE DRUG AND
MEDICAL INFORMATION SYSTEM**

Art Unit 2614

Examiner Simon P. Sing

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))

\$ 500

☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced
by half, and the resulting fee is:

\$ 250

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.
I have enclosed a duplicate copy of this sheet.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment
to Deposit Account No. 20-1430. I have enclosed a duplicate copy of this sheet.

☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

**WARNING: Information on this form may become public. Credit card information should not
be included on this form. Provide credit card information and authorization on PTO-2038.**

I am the

☐ applicant/inventor.

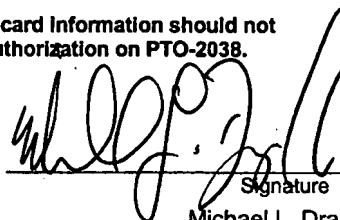
☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒ attorney or agent of record.

Registration number 55,127

☐ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34. _____



Signature

Michael L. Drapkin

Typed or printed name

303.571.4000

Telephone number

July 9, 2007

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below.

☒ *Total of 1 forms are submitted.

TERMINAL DISCLAIMER TO ACCOMPANY PETITIONDocket Number (Optional)
026611-000100US

In re Application of:

Name: Mark Birkhead et al.

Application Number: 10/693,867

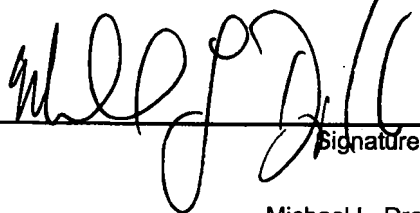
Filed: October 28, 2003

For: VOICE ENABLED INTERACTIVE DRUG AND MEDICAL INFORMATION SYSTEM

The owner*, Mark W. Birkhead and Michael W. Birkhead of 100 percent interest in the above-identified application hereby disclaims a terminal part of the term of any patent granted the above-identified application equivalent to: (1) if the above-identified application is a design application, the period of abandonment of the above-identified application, and (2) if the above-identified application is a utility or plant application, the lesser of: (a) the period of abandonment of the application; or (b) the period extending beyond twenty years from the date on which the above-identified application was filed in the United States or, if the application contains a specific reference to an earlier filed application(s) under 35 U.S.C. 120, 121, or 365(c), from the date on which the earliest such application was filed. This disclaimer also applies to any patent granted on a utility or plant application filed before June 8, 1995, or a design application, that contains a specific reference under 35 U.S.C. 120, 121, or 365(c) to the above-identified application. This disclaimer is binding upon the grantee, and its successors or assigns.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g. corporation, partnership, university, government agency, etc.), the person signing is empowered to act on behalf of the organization.
2. ☒ The undersigned is an attorney or agent of record. Registration Number 55,127



Signature

July 9, 2007

Date

Michael L. Drapkin

Typed or printed name

303.571.4000

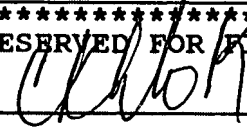
Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

* Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND									
1 Date of Request: <u>08/15/07</u>		2 Serial/Patent # <u>10/693,867</u>							
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT					
	Filing			\$					
	Amendment			\$					
	Extension of Time (2253)		07/09/07	\$ 510.00					
	Notice of Appeal/Appeal			\$					
X	Petition (1462)			\$					
	Issue			\$					
	Cert of Correction/Terminal Disc.			\$					
	Maintenance			\$					
	Assignment			\$					
X	Other (1808)			\$ 130.00					
			7 TOTAL AMOUNT OF REFUND		\$ 640.00				
8 TO BE REFUNDED BY:									
		Treasury Check							
		X	Credit Deposit A/C #:						
		9	2	0	--	1	4	3	0
10 REASON:									
	Overpayment								
	Duplicate Payment								
X	No Fee Due (Explanation):								
Max. extendable time expired, TD not required									
11 REFUND REQUESTED BY:									
TYPED/PRINTED NAME: <u>Charlema Grant</u>		TITLE: <u>Atty</u>							
SIGNATURE: <u>/Charlema Grant/</u>		PHONE: <u>X-3215</u>							
OFFICE: <u>OP</u>									
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****									
APPROVED: <u></u>		DATE: <u>8/29/07</u>							

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

**Office of Finance
Refund Branch
Crystal Park One, Room 802B**